

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

ORIGINAL
RECEIVED
OCT 14 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Norfolk Southern Railway Company; the Road District :
No. 3 of Wabash County, and the State of Illinois, :
Department of Transportation :

T02-0103

Stipulated Agreement regarding improving public safety at :
the crossings of the Company's track with public highway :
known as TR 96, located near the City of Mount Carmel, :
Wabash County, Illinois, designated as crossing :
DOT 724 838J, milepost 146.98A :

**APPLICATION FOR EXTENSION OF TIME AND
PETITION FOR SUPPLEMENTAL ORDER**

Comes now Norfolk Southern Railway Company ("NSR"), a party in the above proceeding, in support of its Application for Extension of Time and Petition for Supplemental Order, and states as follows:

1. Under the terms of the Commission's Order in this proceeding dated November 7, 2002, NSR is required to install automatic flashing light signals and gates controlled by constant warning time circuitry at the TR 96 crossing, and thereafter maintain and operate the same. Incidentally, the correct milepost is 146.98W, not 146.98A.
2. The Order required that the work be completed within one (1) year of the Order date or by November 7, 2003.
3. On March 17, 2003, the Commission approved X-Resolutions for the work at the TR 96 crossing. On March 29, 2003, the State of Illinois Department of Transportation ("IDOT") approved the project plans for the work at the TR 96 crossing.
4. It was known at the time of these approvals that power would be needed for the warning device facilities and that there was none at the site. Thus, in June, 2003, a supervisor in the NSR Communications and Signals Department visited the site and contacted Mt. Carmel Public Utility ("MCPU"), the local power company, about obtaining such power. When MCPU reviewed its records, it found it did not have sufficient property rights to reach the warning device site, and since then it has been unable to obtain the needed property rights.

DOCKETED

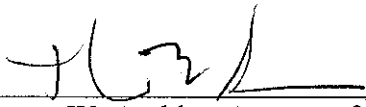
OCT 14 2003

5. NSR has now sought input and help from the Commission and IDOT about this problem, but NSR will not be able to meet the November 7, 2003 deadline noted above for completing the work at the TR 96 crossing. Should a resolution to the problem be found in fairly short order, NSR believes that a six (6) month extension will permit it to complete its work at the TR 96 crossing. If the solution takes more time, NSR may again need to seek more time from the Commission for completing NSR's work. Indeed, NSR understands from a discussion with IDOT about a non-NSR case that it took years in that case to acquire the access rights. Thus, in the alternative, the Commission may want to extend this matter indefinitely, but with a requirement that NSR provide a progress report to the Commission every six (6) months.

WHEREFORE, NSR prays that the Illinois Commerce Commission enter its Order, either extending the time for all of the work required of NSR under the said November 7, 2002 order for an additional six (6) months or until May 7, 2004, or in the alternative extending this matter indefinitely, but with a requirement that NSR provide a progress report to the Commission every six (6) months. NSR prays that the extension and the supplemental order be granted without a hearing.

Respectfully submitted,

**NORFOLK SOUTHERN RAILWAY
COMPANY**



Thomas W. Ambler, Attorney for
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

10-10-2003

AFFIDAVIT

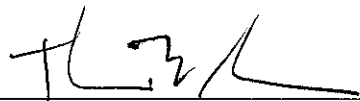
COMMONWEALTH OF VIRGINIA:

CITY OF NORFOLK

: SS:
:

I, Thomas W. Ambler, first being duly sworn upon oath, depose and say that I am General Attorney of Norfolk Southern Corporation. Norfolk Southern Railway Company is a subsidiary of Norfolk Southern Corporation. Both are Virginia corporations. I have read the attached application for Extension of Time and Petition for Supplemental Order and know the contents thereof. The said contents are true in substance and in fact, except as to those matters stated upon information and belief provided to the undersigned by others, and as to those matters I believe the same to be true.

Given this day at Norfolk, Virginia.



Thomas W. Ambler

Subscribed and sworn before me this 10th day of October, 2003.



Notary Public

My commission expires: 3-31-06

CERTIFICATE OF SERVICE

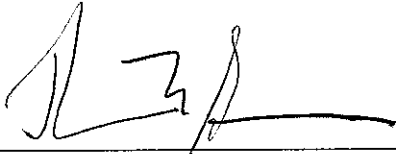
I, Thomas W. Ambler, hereby certify that I have served a copy of the foregoing application for extension of time and petition for supplemental order upon the following, by placing the same in the United States Mail, postage prepaid, on the 10th day of October, 2003.

Rick Korte
Chief Administrative Law Judge
Review and Examination Program
Illinois Commerce Commission
527 East Capitol Avenue – 6th Floor
Springfield, Illinois 62701

Robert S. Berry
Railroad Section Staff
Illinois Commerce Commission
527 East Capitol Avenue – 6th Floor
Springfield, Illinois 62701

Vincent A. Modeer
Director of Highways
Attn: Jeff Harpring, Room 205
IL Dept. of Transportation
2300 So. Dirksen Parkway
Springfield, Illinois 62764

Scott Risley
Road District No. 3
12782 East 700 Road
Mt. Carmel, Illinois 62568



Thomas W. Ambler